

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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THOMAS W. NIELSON,

Plaintiff,

vs.

A. T. CROSS COMPANY,

Defendant.

ORDER

AND

MEMORANDUM DECISION

Case No. 2:03-CV-586 TC

On July 1, 2003, Plaintiff Thomas Nielson filed a complaint against Defendant A.T. Cross Company. In his complaint, Mr. Nielson asserted three causes of action: (1) patent infringement; (2) misappropriation of a trade secret in violation of the Utah Uniform Trade Secrets Act; and (3) unfair competition. (See Compl. (Docket No. 1).) As the basis for jurisdiction, Mr. Nielson cited to 35 U.S.C. § 281 (providing patentee with civil remedy for patent infringement) and 28 U.S.C. § 1338(a) (providing district court with original jurisdiction over claim of unfair competition when joined with substantial and related claim under federal patent law). (Id. ¶ 3.)

On January 26, 2006, the parties filed a stipulation to dismiss Mr. Nielson's patent infringement claim with prejudice. (See Docket No. 156.) Based on the parties' stipulation, the court dismissed the patent infringement claim. (Jan. 31, 2006 Order.) All that remains are Mr. Nielson's claims for misappropriation of a trade secret under state law and for unfair competition, also based on state law.

Now that the claim providing original jurisdiction has been dismissed, the court, based on the court's discretionary authority under 28 U.S.C. § 1367(c), declines to exercise supplemental jurisdiction over the state law claims. Accordingly, the court DISMISSES WITHOUT PREJUDICE the remaining causes of action in this matter.

IT IS SO ORDERED this 1st day of February, 2006.

BY THE COURT:



TENA CAMPBELL  
United States District Judge